

APPEAL, CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:03-cv-12560-RGS**

Deitzel v. Springfield Terminal Railway Company  
Assigned to: Judge Richard G. Stearns  
Cause: 45:151 Railway Labor Act

Date Filed: 12/19/2003  
Jury Demand: Defendant  
Nature of Suit: 330 Federal Employer's  
Liability  
Jurisdiction: Federal Question

**Plaintiff**

**David Deitzel**

represented by **Ronald M. Davids**  
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*ATTORNEY TO BE NOTICED*

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V.

**Defendant**

**Springfield Terminal Railway  
Company**  
*c/o CT Corporation System 101 Federal  
Street, Boston, MA 02110*

represented by **John J O'Brien, Jr.**  
O'Brien & von Rosenvinge  
Suite 202  
27 Mica Lane  
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**ATTORNEY TO BE NOTICED****Defendant****Guilford Rail Systems**

represented by **John J O'Brien, Jr.**  
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 Wellesley, MA 02481  
 781-239-9988  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/19/2003	● 1	*** Attorney Mario Bozza for David Deitzel added. (Flaherty, Elaine) (Entered: 12/22/2003)
12/19/2003	● 1	COMPLAINT against Guilford Rail Systems, Springfield Terminal Railway Company Filing fee: \$ 150, receipt number 52629, filed by David Deitzel.(Flaherty, Elaine) (Entered: 12/22/2003)
12/19/2003	● 2	Summons Issued as to Guilford Rail Systems, Springfield Terminal Railway Company. (Flaherty, Elaine) (Entered: 12/22/2003)
12/19/2003	● 3	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Flaherty, Elaine) (Entered: 12/22/2003)
02/11/2004	● 4	ANSWER to Complaint with Jury Demand by Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 02/12/2004)
02/11/2004	● 5	Special appearance and ANSWER to Complaint with Jury Demand by Guilford Rail Systems.(Flaherty, Elaine) (Entered: 02/12/2004)
02/23/2004	● 6	SUMMONS Returned Executed Guilford Rail Systems served on 1/26/2004, answer due 2/16/2004. (Flaherty, Elaine) (Entered: 02/25/2004)
02/27/2004	● 7	SUMMONS Returned Executed Springfield Terminal Railway Company served on 1/23/2004, answer due 2/12/2004. (Flaherty, Elaine) (Entered: 02/27/2004)
02/27/2004	● 8	MOTION to Dismiss by Guilford Rail Systems, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 03/02/2004)
02/27/2004	● 9	MOTION to Dismiss pursuant to F.R.C.P. 12(b)(6), or in the alternative, pursuant to F.R.C.P. 56 by Guilford Rail Systems, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 03/02/2004)
03/11/2004	● 10	NOTICE of Scheduling Conference. Scheduling Conference set for 4/22/2004 02:45 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 03/23/2004)

03/12/2004	⑧	MEMORANDUM in Opposition re 7 MOTION to Dismiss or in the alternative motion of plaintiff to take discovery filed by David Deitzel. (Flaherty, Elaine) (Entered: 03/16/2004)
03/18/2004	⑨	Judge Richard G. Stearns : ORDER entered granting 6 Motion to Dismiss, denying 7 Motion to Dismiss (Flaherty, Elaine) (Entered: 03/19/2004)
03/31/2004	⑪	CERTIFICATE OF CONSULTATION by John J O'Brien Jr. on behalf of Guilford Rail Systems, Springfield Terminal Railway Company by on behalf of Guilford Rail Systems, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 04/07/2004)
04/02/2004	⑫	MOTION to Continue scheduling conference to 5/21/04 by David Deitzel received for docketing 4/7/04.(Flaherty, Elaine) (Entered: 04/07/2004)
04/07/2004	●	Judge Richard G. Stearns : Electronic ORDER entered granting 12 Motion to Continue. "allowed, to 5/24/04 at 2:30 p.m." (Johnson, Mary) (Entered: 04/07/2004)
05/24/2004	●	Electroic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Scheduling Conference held on 5/24/2004. Atty. Bozza present for the pltf. Atty. O'Brien present for the deft. Parties advise the Court that Guilford Rail Systems is no longer a defendant in this action. All discovery shall be completed by 1-28-05. Pltf. shall designate experts by 2-25-05; deft. shall designate experts by 4-15-05. Expert depositions shall be completed by 5-30-05. Dispositive motions shall be filed by 6-15-05. If none filed by that date, the case will be placed on the Court's trial list. (Court Reporter None.) (Johnson, Mary) Modified on 6/9/2004 (Johnson, Mary). (Entered: 06/09/2004)
05/24/2004	⑬	JOINT STATEMENT re: scheduling conference, filed. (Johnson, Mary) (Entered: 06/10/2004)
07/15/2004	⑭	NOTICE of Appearance by Ronald M. Davids on behalf of David Deitzel (Flaherty, Elaine) (Entered: 07/19/2004)
09/07/2004	⑮	MOTION for Leave to Appear Pro Hac Vice by DeGeorge Filing fee \$ 50., receipt number 58502. by David Deitzel.(Flaherty, Elaine) (Entered: 09/09/2004)
09/09/2004	●	Judge Richard G. Stearns : Electronic ORDER entered granting 15 Motion for Leave to Appear Pro Hac Vice Added Rudolph V. DeGeorge for David Deitzel (Flaherty, Elaine) (Entered: 09/09/2004)
01/25/2005	⑯	MOTION for Extension of Time to 2/25/05 to Complete Discovery by David Deitzel, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 02/08/2005)
02/07/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting 16 Motion for Extension of Time to Complete Discovery (Flaherty, Elaine) (Entered: 02/08/2005)

03/07/2005	● 17	NOTICE of Withdrawal of Appearance Attorney Steven M. Lafferty terminated. (Flaherty, Elaine) (Entered: 03/07/2005)
04/21/2005	● 18	MOTION for Extension of Time of 90 days to Complete Discovery and all other deadlines by David Deitzel.(Flaherty, Elaine) (Entered: 04/27/2005)
05/06/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting 18 Motion for Extension of Time to Complete Discovery (Flaherty, Elaine) (Entered: 05/06/2005)
07/25/2005	● 19	Joint MOTION for Extension of Time to 8/29/05 to designate expert witnesses by David Deitzel, Springfield Terminal Railway Company. (Flaherty, Elaine) (Entered: 07/28/2005)
07/25/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting 19 Motion for Extension of Time (Flaherty, Elaine) (Entered: 07/28/2005)
08/09/2005	● 20	Joint MOTION for Extension of Time to Complete Discovery <i>for the Designation of Experts Pursuant to Federal Rule of Civil Procedure 26 (a)(2)(b)</i> by David Deitzel.(O'Brien, Jennifer) (Entered: 08/09/2005)
08/10/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting 20 Motion for Extension of Time to Complete Discovery "The court will grant a sixty (60) day extension." (Flaherty, Elaine) (Entered: 08/11/2005)
11/14/2005	● 21	MOTION for Summary Judgment by Springfield Terminal Railway Company. (Attachments: # 1)(Flaherty, Elaine) (Entered: 11/16/2005)
11/21/2005	● 22	MOTION for Extension of Time to December 19, 2005 to File Opposition to Defendant's Motion for Summary Judgment by David Deitzel.(Davids, Ronald) (Entered: 11/21/2005)
12/05/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting 22 Motion for Extension of Time (Flaherty, Elaine) (Entered: 12/07/2005)
12/15/2005	● 23	RESPONSE to Motion re 21 MOTION for Summary Judgment filed by David Deitzel. (Davids, Ronald) (Entered: 12/15/2005)
12/20/2005	●	Electronic NOTICE of Hearing on Motion 21 MOTION for Summary Judgment: Motion Hearing set for 2/15/2006 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) Modified on 12/20/2005 (Johnson, Mary). (Entered: 12/20/2005)
02/15/2006	●	Clerk's Notes for proceedings held before Judge Richard G. Stearns : Motion Hearing held on 2/15/2006 re 21 MOTION for Summary Judgment filed by Springfield Terminal Railway Company. Rudolph DeGeorge appeared for Deitzel; John O'Brien appeared for defendant Springfield Terminal. After hearing the motion for summary judgment was DENIED. The court set a trial date of Monday June 26, 2006.(Court Reporter James Gibbons.) (Zierk, Marsha) (Entered: 02/15/2006)
02/15/2006	● 24	Judge Richard G. Stearns : Electronic ORDER entered denying 21

		Motion for Summary Judgment (Zierk, Marsha) (Entered: 02/15/2006)
02/15/2006	25	MOTION to identify a medical expert late filed by Springfield Terminal Railway Company.(Johnson, Mary) (Entered: 02/21/2006)
02/15/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting 25 Motion to identify medical expert late. (Johnson, Mary) (Entered: 02/21/2006)
02/24/2006	26	Judge Richard G. Stearns : ORDER entered. PROCEDURAL ORDER re pretrial/trial: Final Pretrial Conference set for 6/22/2006 04:00 PM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 6/26/2006 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 02/24/2006)
06/13/2006	●	ELECTRONIC NOTICE OF RESCHEDULING: Jury Trial is rescheduled to Monday, 10/2/2006 at 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. All Trial Documents shall be filed by 9-26-06. (Johnson, Mary) Modified on 6/13/2006 (Johnson, Mary). (Entered: 06/13/2006)
08/25/2006	27	MOTION for Discovery <i>for the Designation of Experts</i> by David Deitzel. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Davids, Ronald) (Entered: 08/25/2006)
08/25/2006	28	CERTIFICATE OF CONSULTATION re 27 MOTION for Discovery <i>for the Designation of Experts</i> . (Davids, Ronald) (Entered: 08/25/2006)
09/07/2006	29	First RESPONSE to Motion re 27 MOTION for Discovery <i>for the Designation of Experts</i> filed by all defendants. (O'Brien, John) (Entered: 09/07/2006)
09/11/2006	●	Judge Richard G. Stearns : Electronic ORDER entered denying 27 Motion for Discovery "Trial is scheduled for 10/2/06." (Flaherty, Elaine) (Entered: 09/11/2006)
09/26/2006	30	PRETRIAL MEMORANDUM by David Deitzel. (Attachments: # 1 Plaintiff's Proposed Voir Dire Questions# 2 Plaintiff's Trial Memorandum# 3 Plaintiff's Requested Points for Charge# 4 Defendant's Request for VOir Dire Questions to be Posed to the Jury# 5 Defendant's Request for Instructions to the Jury)(Davids, Ronald) (Entered: 09/26/2006)
09/26/2006	31	AMENDED DOCUMENT by David Deitzel, Springfield Terminal Railway Company. Amendment to 30 Pretrial Memorandum,. (Davids, Ronald) (Entered: 09/26/2006)
09/29/2006	32	PRETRIAL MEMORANDUM by Springfield Terminal Railway Company. (O'Brien, John) (Entered: 09/29/2006)
10/03/2006	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 10/3/2006, Day 1. Atty. DeGeorge present for the pltf. Atty. O'Brien present for the deft. Jury of 8 persons selected and sworn. Court gives preliminary instructions to the jury. Pltf's opening.

		Deft's opening. P-1 by videotape. Adjourn 1:10 P.M. (Court Reporter Marie Cloonan.) (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/04/2006	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 10/4/2006, Day 2. P-2 sworn. Direct. Cross. Re-direct. Re-cross. Excused. D-1 sworn out of turn. Direct. Cross. Re-direct. Re-cross. Excused. P-3 sworn. Direct. Cross. Excused. P-4 sworn. Direct. Adjourn 1:00 P.M. (Court Reporter Marie Cloonan.) (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 10/5/2006, Day 3. Direct of P-4 continues. Cross. Re-direct. Re-cross. Excused. Plaintiff rests. Defendant moves for Judgment as a Matter of Law, and same is DENIED. D-2 sworn. Direct. Cross. Excused. Defendant rests. Defendant moves for Judgment as a Matter of Law after close of all the evidence, and same is DENIED. Defendant's closing 11:40 a.m. to 12:00 noon. Plaintiff's closing 12:00 noon to 12:30 p.m. Court's charge to jury 12:30 p.m. to 1:00 p.m. Jury has lunch at 1:05 p.m. to 1:30 p.m. in jury room. Deliberations begin at 1:30 p.m. Jury returns with verdict at 3:30 p.m. Jury finds in favor of the plaintiff in the amount of \$925,960.00. Exhibits returned to counsel. Jury discharged. Adjourn 3:35 p.m.(Court Reporter Marcia Patrisso.) (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	● 33	JURY VERDICT returned in open Court at 3:30 P.M. in favor of the plaintiff, as against the defendant. (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	● 35	MOTION for Directed Verdict at Close of Plaintiff's Case, filed in open Court by Springfield Terminal Railway Company.(Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	● 36	MOTION for Directed Verdict at Close of All the Evidence, filed in open Court by Springfield Terminal Railway Company. (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	●	Judge Richard G. Stearns : Electronic ORDER entered denying 35 Motion for Directed Verdict, denying 36 Motion for Directed Verdict. (Johnson, Mary) (Entered: 10/12/2006)
10/12/2006	● 34	Judge Richard G. Stearns : ORDER entered. JUDGMENT in favor of plaintiff against defendant.(Johnson, Mary) (Entered: 10/12/2006)
10/12/2006	●	Civil Case Terminated. (Johnson, Mary) (Entered: 10/12/2006)
10/13/2006	● 37	First MOTION for New Trial by Springfield Terminal Railway Company.(O'Brien, John) (Entered: 10/13/2006)
10/13/2006	● 38	First MOTION for Judgment NOV by Springfield Terminal Railway Company.(O'Brien, John) (Entered: 10/13/2006)
10/13/2006	● 39	Second MOTION for New Trial by Springfield Terminal Railway

		Company.(O'Brien, John) (Entered: 10/13/2006)
10/18/2006	④0	TRANSCRIPT of Jury Trial Day Three held on October 5, 2006 before Judge Stearns. Court Reporter: Marcia G. Patrisso. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-8728 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/18/2006)
10/26/2006	④1	RESPONSE to Motion re <u>38</u> First MOTION for Judgment NOV filed by David Deitzel. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Davids, Ronald) (Entered: 10/26/2006)
10/27/2006	④2	RESPONSE to Motion re <u>37</u> First MOTION for New Trial, <u>39</u> Second MOTION for New Trial filed by David Deitzel. (Davids, Ronald) (Entered: 10/27/2006)
11/03/2006	④	Judge Richard G. Stearns : Electronic ORDER entered finding as moot <u>38</u> Motion for Judgment NOV "moot only for the reason that it's a duplicate filing of pending motion number 39, terminated for statistical reasons only" (Flaherty, Elaine) (Entered: 11/03/2006)
11/08/2006	④3	Judge Richard G. Stearns : MEMORANDUM AND ORDER ON DEFENDANT'S MOTION FOR NEW TRIAL/AND TO ALTER OR AMEND JUDGMENT AND FOR A REMITTUR, entered denying <u>37</u> Motion for New Trial DENYING MOTION TO ALTER OR AMEND DENYING MOTION FOR REMITTUR (Flaherty, Elaine) (Entered: 11/08/2006)
11/08/2006	④4	Judge Richard G. Stearns : MEMORANDUM AND ORDER ON DEFENDANT'S MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT, FOR NEW TRIAL ENTEREDDENYING <u>39</u> Motion for New Trial DENYING MOTON FOR JUDGMENT NOTWITHSTANDING THE VERDICT (Flaherty, Elaine) (Entered: 11/08/2006)
11/14/2006	④5	NOTICE OF APPEAL by Springfield Terminal Railway Company. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/4/2006. (O'Brien, John) (Entered: 11/14/2006)
11/28/2006	④	Filing fee: \$ 455., receipt number 76418 for <u>45</u> Notice of Appeal, (Flaherty, Elaine) (Entered: 11/28/2006)